



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Anu Natarajan, Vice Mayor
Bob Wieckowski
Bill Harrison
Suzanne Lee Chan

City Staff

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Harvey E. Levine, City Attorney
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk
Harriet Commons, Finance Director
Marilyn Crane, Information Technology Svcs. Dir.
Daren Fields, Economic Dev. Director
Mary Kaye Fisher, Interim Human Resources Dir.
Annabell Holland, Parks & Recreation Dir.
Norm Hughes, City Engineer
Jill Keimach, Community Dev. Director
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

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Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
FEBRUARY 24, 2009
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – None.*
- 2.3 *Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located at the Northeast Corner of Hastings Street and Capitol Avenue from Central Business District (C-B-D) to Planned District (P-2008-177)*

RECOMMENDATION: Adopt ordinance.

- 2.4 **"FIRST 5 ALAMEDA COUNTY" CONTRACT AMENDMENT**
Authorize the City Manager or Designee to Execute a Contract Amendment With "First 5 Alameda County" in the Amount of \$24,844 for a Total of \$174,844, and Appropriate An Additional \$24,844 for FY 2008/09

Contact Person

<i>Name:</i>	<i>Iris Preece</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>YFS Administrator</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>

Phone:	510-571-2128	510-574-2128
E-Mail:	ipreece@fremont.gov	sshensfil@fremont.gov

RECOMMENDATION: Authorize the City Manager or designee to execute a contract amendment with First 5 Alameda County to increase the existing contract by \$24,844, for a total of \$174,844, and to appropriate an additional \$24,844 for FY 2008-09 to account 1705337.

2.5 INTERSECTION IMPROVEMENT PROJECT AT FREMONT BOULEVARD AND NICOLET AVENUE

Approval of Plans and Specifications and Award of Contract for the Intersection Improvement Project at Fremont Boulevard and Nicolet Avenue (City Project No. 8637 PWC)

Contact Person:

Name:	Frans van der Meer	Kunle Odumade
Title:	Transportation Engineer II	Senior Transportation Engineer
Dept.:	Transportation & Operations	Transportation & Operations
Phone:	510-494-4796	510-494-4746
E-Mail:	fvandermeer@fremont.gov	kodumade@fremont.gov

RECOMMENDATION: Approve the plans and specifications, accept the bid and award the construction contract for the Intersection Improvement Project at Fremont Boulevard and Nicolet Avenue (City Project No. 8637 PWC) to Suarez & Munoz Construction in the amount of \$322,456, and authorize the City Manager or his designee to execute the contract.

2.6 MOWRY AVENUE ARTERIAL MANAGEMENT PROJECT

Approval of Plans and Specifications and Award of Contract for the Mowry Avenue Arterial Management Project (PWC 8589)

Contact Person:

Name:	David Huynh	Jim Pierson
Title:	Senior Transportation Engineer	Director
Dept.:	Transportation and Operations	Transportation and Operations
Phone:	510-494-4484	510-494-4722
E-Mail:	dhuynh@fremont.gov	jpierson@fremont.gov

RECOMMENDATION: Approve the plans and specifications, accept the bid and award the construction contract for the Mowry Avenue Arterial Management Project (PWC 8589) to Richard A. Heaps Electrical Contractor, Inc., in the amount of \$271,925, and authorize the City Manager or his designee to execute the contract.

2.7 TRAFFIC SIGNAL MODIFICATION PROJECT AT MOWRY AVENUE AND CIVIC CENTER DRIVE

Approval of Plans and Specifications and Award of Contract for the Traffic Signal Modification Project at Mowry Avenue and Civic Center Drive (City Project No. 8593 PWC)

Contact Person:

<i>Name:</i>	<i>David Henderson</i>	<i>Kunle Odumade</i>
<i>Title:</i>	<i>Transportation Engineer II</i>	<i>Transportation Engineer</i>
<i>Dept.:</i>	<i>Transportation & Operations</i>	<i>Transportation & Operations</i>
<i>Phone:</i>	<i>510-494-4757</i>	<i>510-494-4746</i>
<i>E-Mail:</i>	<i>dhenderson@fremont.gov</i>	<i>kodumade@fremont.gov</i>

RECOMMENDATION: Approve the plans and specifications, accept the bid and award the construction contract for the Traffic Signal Modification at Mowry Avenue and Civic Center Drive (City Project No. 8593 PWC) to Wingard Engineering Inc., in the amount of \$113,632, and authorize the City Manager or his designee to execute the contract.

2.8 FIRE TACTICAL TRAINING CENTER (PLN2008-00263) WESTERLY END OF STEVENSON BOULEVARD

Public Hearing (Published Notice) to Consider a Finding to Increase the Height for a Portion of the Training Tower from the Allowed 45 Feet to Approximately 61 Feet for the Proposed City of Fremont Fire Department Tactical Training Center Generally Located Near the Intersection of Stevenson Boulevard and Eureka Drive in the Industrial Planning Area

Contact Person:

<i>Name:</i>	<i>Barbara Meerjans</i>	<i>Jeff Schwob</i>
<i>Title:</i>	<i>Senior Planner</i>	<i>Planning Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4451</i>	<i>510-494-4527</i>
<i>E-Mail:</i>	<i>bmeerjans@fremont.gov</i>	<i>jschwob@fremont.gov</i>

RECOMMENDATIONS:

- 1. Hold public hearing.*
- 2. Find that the Mitigated Negative Declaration and Mitigation Monitoring Plan (Exhibit "A") prepared for this project has been completed in compliance with the requirements of CEQA and reflects the independent judgment of the City, and that approval of this project, as mitigated, will not have any significant impact on the area's resources, cumulative or otherwise, and adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan.*
- 3. Find the proposed project is in conformance with the relevant provisions of the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Health and Safety Chapter as enumerated within the staff report.*
- 4. Adopt a motion approving PLN2008-00263 for an increase in height to approximately 61 feet for the Fire Tactical Training Center as shown on Exhibit "A", based on the following findings:*
 - a. The increase in height will not be detrimental to the area streets, sewer lines and/ or other public services or to the lighting, air quality, or privacy of any other properties in the vicinity of the project site because existing infrastructure and facilities adjacent to the project site would adequately serve*

the proposed project. The proposed project would not measurably impact traffic operations in the area and street improvements to the Stevenson Boulevard frontage are required and will conform to City ordinances as standard requirements of building permit issuance. Both buildings are located on the site to meet or exceed the minimum setback requirements of the P-F Public Facility District and the tall tower element is over two hundred feet from the nearest building in the vicinity of the project.

- b. In order to accommodate a use, unique building requirements have been imposed which require an increase in the building height over the height specified under district regulations. Technical rescue training includes advanced rescue techniques performed above ground and on building sides, as well as rappelling to the ground from a minimum height of 50 feet. To meet rescue training certification, the deck of the top floor must be at or above the 50 foot height; the proposed design includes a shade structure above that height for a total height of 61 feet. The shade structure provides a more protected and comfortable work environment during training.*

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS - None.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



***2.3 Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located at the Northeast Corner of Hastings Street and Capitol Avenue from Central Business District (C-B-D) to Planned District (P-2008-177)**

ENCLOSURE: Draft Ordinance

RECOMMENDATION: Adopt ordinance.

***2.4 “FIRST 5 ALAMEDA COUNTY” CONTRACT AMENDMENT**

Authorize the City Manager or Designee to Execute a Contract Amendment With “First 5 Alameda County” in the Amount of \$24,844 for a Total of \$174,844, and Appropriate An Additional \$24,844 for FY 2008/09

Contact Person

Name:	Iris Preece	Suzanne Shenfil
Title:	YFS Administrator	Director
Dept.:	Human Services	Human Services
Phone:	510-571-2128	510-574-2128
E-Mail:	ipreece@fremont.gov	sshensfil@fremont.gov

Executive Summary: The purpose of this report is to recommend that Council authorize the City Manager or his designee to amend the City’s contract with First 5 Alameda County for an additional \$24,844 to develop recommendations for the best way to implement a county-wide Children’s Screening Assessment, Referral and Treatment (Children’s SART) system in Fremont, Union City and Newark, and to develop a community asset map of the services and programs of benefit to families with children ages zero to five who have special developmental needs. The contract amendment will increase the existing two-year contract total to \$174,844. This is new funding that will be used for costs of existing Human Services staff who will be working on the project, in conjunction with three graduate interns who have been secured from U.C. Berkeley’s Goldman School of Public Policy. Because this is additional funding, it is necessary to appropriate an additional \$24,844 for FY 2008/09.

BACKGROUND: Fremont families with children ages zero to five participate in a number of City programs operated through the Human Services Department and the Fremont Family Resource Center. First 5 Alameda County has funded the Infant Toddler Program, which provides mental health services and care coordination through home visiting since FY 2001/02. As a result of this role, First 5 Alameda County invited City staff to represent our community on a year-long strategic planning process to address system improvements needed to assure that all children in Alameda County achieve their optimal development.

The strategic plan is grounded in the growing body of research about early childhood development, especially brain development that shows prevention and early intervention services for children ages zero to five improves outcomes and costs less. A 2005 Rand Research Brief reports that well-designed early childhood interventions show a return to society ranging from \$1.80 to \$17.07 for each dollar spent. The research also shows that many times the earliest signals that a child is not developing as he or she should to reach school, ready to learn, are missed or not acted upon quickly due to system barriers. In addition, many families are unable to access needed services due to income, language and cultural barriers. The county-wide stakeholder group is now preparing to implement a Children’s Screening, Assessment, Referral and Treatment (Children’s SART) system that will promote early identification and assure access to prevention and/or early intervention services when children ages zero to five are identified with developmental and/or social-emotional concerns.

First 5 Alameda County has set aside an additional \$24,844 to enable City staff from the Human Services Department, working with three graduate interns from U.C. Berkeley’s Goldman School of

Public Policy, to research and prepare a report with recommendations about how to best implement the Children's SART system to best meet the needs of Fremont, Union City and Newark families, and to develop a community asset map of the programs and resources available to families with young children in the cities of Fremont, Union City and Newark (i.e., childcare and early education programs like Tiny Tots, private and public health and mental health services, special education and family support services). Funds will be used primarily to cover the costs for existing staff in the Human Services Department assigned to work on the project as well as some mileage reimbursement for interns.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or designee to execute a contract amendment with First 5 Alameda County to increase the existing contract by \$24,844, for a total of \$174,844, and to appropriate an additional \$24,844 for FY 2008-09 to account 1705337.

***2.5 INTERSECTION IMPROVEMENT PROJECT AT FREMONT BOULEVARD AND NICOLET AVENUE**

Approval of Plans and Specifications and Award of Contract for the Intersection Improvement Project at Fremont Boulevard and Nicolet Avenue (City Project No. 8637 PWC)

Contact Person:

Name:	Frans van der Meer	Kunle Odumade
Title:	Transportation Engineer II	Senior Transportation Engineer
Dept.:	Transportation & Operations	Transportation & Operations
Phone:	510-494-4796	510-494-4746
E-Mail:	fvandermeer@fremont.gov	kodumade@fremont.gov

Executive Summary: This report requests the City Council approve the plans and specifications, accept the bid, and award the contract to Suarez & Munoz Construction, the lowest responsive and responsible bidder, in the amount of \$322,456, for the Intersection Improvement Project at Fremont Boulevard and Nicolet Avenue (City Project No. 8637 PWC).

BACKGROUND: On June 12, 2007, the City Council allocated funds from the Fiscal Year 2006-2007 Capital Improvement Program for an intersection improvement project at Fremont Boulevard and Nicolet Avenue. This intersection gets heavy pedestrian volumes since it is adjacent to apartment complexes and single family residential homes to the east and west. The Brookvale Shopping Center and Brookvale Library are located at the northeast corner of the intersection and American High School is located one intersection to the south on Fremont Boulevard.

The Metropolitan Transportation Commission (MTC) initiated a program called Bicycle and Pedestrian Safety Technical Assistance Program (Safety TAP) to assist local agencies in improving bicycle and pedestrian safety. This intersection was analyzed by MTC's consultants (at no cost to the City). The consultants recommended improvements such as signal modification and various infrastructure modifications to improve the pedestrian facility. This project will implement those recommendations.

The project will remove the existing median islands on the northeast and southeast corners, thereby eliminating free right turns to and from northbound Fremont Boulevard in order to reduce conflicts with pedestrian crossings at the corners. The project will also tighten the curve radii on the northwest, northeast, and southeast corners to reduce pedestrian crossing distance and improve pedestrian visibility at the corners. The signal equipment is outdated and needs to be upgraded with new equipment that meets current standards. All existing poles, vehicle and pedestrian signal heads, pedestrian push buttons and all conduits and wiring will be replaced. In order to reduce the potential for signal pole knockdowns, the proposed signal modifications will remove the signal poles mounted in the median and install new signal standards with longer mast arms. To increase the visibility of the signal heads, all new 12-inch signal heads will be installed. The signal modification will also include the installation of Americans with Disabilities Act (ADA) compliant pedestrian push buttons, and curb ramps, countdown pedestrian indications, and the installation of energy saving Light Emitting Diode (LED) light sources for all vehicle and pedestrian signal heads.

Discussion: The project was advertised and bids were opened on February 4, 2009. The 14 bidders with their respective bid amounts are as follows:

Bidder	Total Bid Amount
Suarez & Munoz Construction, Inc.	\$322,456.00
Granite Rock Co.	\$342,903.00
Maxistone, Inc.	\$346,451.00
Richard A. Heaps	\$348,936.45
Redgwick Construction	\$362,759.95
Tennyson Electric	\$364,009.00*
Golden Bay Construction, Inc.	\$366,122.00
W. Bradley Electric	\$370,480.45
Beltramo Electric	\$371,964.00*
Republic ITS	\$374,954.95*
Wingard Engineering	\$379,054.50*
Angelo Utilities	\$380,431.00
Ray's Electric	\$390,499.50
Granite Construction	\$401,637.05
<i>Engineer's Base Bid Estimate</i>	<i>\$326,858.00</i>

* Mathematically correct bids

The low bidder, Suarez & Munoz Construction, is a responsible bidder, its bid is responsive, and all bid documents are in order. Therefore, staff recommends that the construction contract be awarded to Suarez & Munoz Construction.

Project Cost and Funding: The following is a summary of the estimated total project cost:

Preliminary Design	\$	3,100
Design	\$	36,000
Project Administration	\$	9,100
Surveying	\$	8,000
Printing and Advertising	\$	1,100
Construction Contract (includes \$35,000 construction contingency)	\$	322,456
Republic Electric: Turn-on Assistance (Estimate)	\$	2,000
Construction Administration & Inspection (Estimate)	\$	43,244
Total Project Cost	\$	425,000

Project funding to date is as follows:

Fund 531 – Traffic Impact Fee	\$	150,000
Fund 509 – ACTIA Measure B	\$	275,000
Total Project Budget	\$	425,000

There are sufficient funds available for the project.

Environmental Analysis: This project is categorically exempt under Section 15301(c) of the Guidelines for California Environmental Quality Act as a minor alteration of an existing facility.

ENCLOSURE: Location Map

RECOMMENDATION: Approve the plans and specifications, accept the bid and award the construction contract for the Intersection Improvement Project at Fremont Boulevard and Nicolet Avenue (City Project No. 8637 PWC) to Suarez & Munoz Construction in the amount of \$322,456, and authorize the City Manager or his designee to execute the contract.

***2.6 MOWRY AVENUE ARTERIAL MANAGEMENT PROJECT**

Approval of Plans and Specifications and Award of Contract for the Mowry Avenue Arterial Management Project (PWC 8589)

Contact Person:

Name:	David Huynh	Jim Pierson
Title:	Senior Transportation Engineer	Director
Dept.:	Transportation and Operations	Transportation and Operations
Phone:	510-494-4484	510-494-4722
E-Mail:	dhuynh@fremont.gov	jpierson@fremont.gov

Executive Summary: The purpose of this report is to request that the City Council approve the plans and specifications, accept the bid, and award the construction contract for the Mowry Avenue Arterial Management Project (PWC 8589) to Richard A. Heaps Electrical Contractor, Inc., for \$271,925.

BACKGROUND: On August 2, 2004, the City Council approved a number of traffic improvement projects as part of the Traffic Improvement Program for Fiscal Year 2004-2005. One of the projects included was the Fiber Optic Installation on Mowry Avenue (Civic Center Drive to Farwell Drive), now renamed the Mowry Avenue Arterial Management Project. At the time, the City Council approved an initial funding allocation of \$200,000, with the goal that staff would seek additional project funding through outside sources. In 2007, the City obtained \$419,000 in federal funds through the Congestion Mitigation and Air Quality Improvement (CMAQ) program and the City Council also appropriated \$85,000 as part of the Traffic Improvement Program for Fiscal Year 2006-2007, for total project funding of \$704,000.

This project will upgrade the traffic signal system communications infrastructure along Mowry Avenue from Civic Center Drive to Farwell Drive by replacing the existing copper signal interconnect cable with fiber optic cable. The copper interconnect system is antiquated and does not provide a consistent and reliable means of communications between the central signal system and field controllers in order to maintain signal coordination. Traffic signal controllers and communications equipment at each traffic signal along the corridor will be upgraded to migrate from the copper signal interconnect to the fiber optic system. This project will also install CCTV cameras for traffic monitoring devices at three locations along the project corridor. The project will improve arterial operations by providing efficient, consistent and reliable operation of the traffic signals along the project corridor.

Bid Results: The project was advertised and bids were opened on February 4, 2009. The bids received are as follows:

BIDDER	TOTAL BID	RANK
Richard A. Heaps Electrical Contractor, Inc.	\$271,925	1
Beltramo Electric, Inc.	\$275,700	2
Tim Paxin's Pacific Excavation, Inc.	\$291,250	3
Norwood Construction	\$299,905	4
Tennyson Electric, Inc.	\$339,025	5

BIDDER	TOTAL BID	RANK
W. Bradley Electric, Inc.	\$372,000	6
Phase 3 Communications, Inc.	\$378,062	7
Republic Intelligent Transportation Services, Inc.	\$403,450	8
Cupertino Electric, Inc.	\$433,675	9
<i>Engineer's Estimate</i>	<i>\$446,200</i>	

The low monetary bidder, Richard A. Heaps Electrical Contractor, Inc., is a responsible bidder with experience in this type of work. Their bid is responsive as all bid documents are in order.

Project Cost and Funding: The following is a summary of the estimated total project cost:

Preliminary Engineering and Design	\$57,200
Construction Cost (Low Bid, includes \$40,000 construction contingency)	\$271,925
City-Furnished Materials (Traffic Signal Controllers)	\$35,900
Construction Administration and Inspection (Estimate)	\$35,000
Total Estimated Cost	\$400,025

Project funding is as follows:

Fund 502 – Capital Improvement (outside sources)	\$200,000
Fund 522 – Federal Grant (CMAQ)	\$419,000
Fund 531 – Traffic Impact Fees	\$85,000
Total Available Funding	\$704,000

Based on current estimates, there are sufficient funds available for this project. The federal CMAQ funds may only be used for the construction phase of the project and the City will be reimbursed for the actual cost of this phase of work. Any CMAQ funds remaining upon the completion of construction cannot be claimed by the City and must be returned. For funds from Capital Improvement and Traffic Impact Fees, any funds remaining at project completion will be transferred back to each respective account as part of the City's annual closeout of PWC projects and will then be available for appropriation to other projects.

Environmental: This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a minor alteration to an existing facility.

ENCLOSURE: None

RECOMMENDATION: Approve the plans and specifications, accept the bid and award the construction contract for the Mowry Avenue Arterial Management Project (PWC 8589) to Richard A. Heaps Electrical Contractor, Inc., in the amount of \$271,925, and authorize the City Manager or his designee to execute the contract.

***2.7 TRAFFIC SIGNAL MODIFICATION PROJECT AT MOWRY AVENUE AND CIVIC CENTER DRIVE**

Approval of Plans and Specifications and Award of Contract for the Traffic Signal Modification Project at Mowry Avenue and Civic Center Drive (City Project No. 8593 PWC)

Contact Person:

Name:	David Henderson	Kunle Odumade
Title:	Transportation Engineer II	Transportation Engineer
Dept.:	Transportation & Operations	Transportation & Operations
Phone:	510-494-4757	510-494-4746
E-Mail:	dhenderson@fremont.gov	kodumade@fremont.gov

Executive Summary: This report requests the City Council approve the plans and specifications, accept the bid, and award the contract to Wingard Engineering Inc., the lowest responsive and responsible bidder, in the amount of \$113,632, for the Traffic Signal Modification Project at Mowry Avenue and Civic Center Drive (City Project No. 8593 PWC).

BACKGROUND: On June 12, 2007, the City Council allocated funds from the Fiscal Year 2006-2007 Traffic Improvement Program (PWC 7953) for the traffic signal modification at the intersection of Mowry Avenue and Civic Center Drive. This intersection serves a driveway to Washington Hospital Outpatient Surgery Center on the north approach, with Civic Center Drive on the south side. There is a high volume of pedestrian traffic crossing Mowry Avenue due to the surrounding medical facilities near this intersection. Improvements to this traffic signal will include removing the traffic signal pole in the median, installing Americans with Disabilities Act (ADA) compliant curb ramps, installing countdown pedestrian indications, updating all indications to low voltage Light Emitting Diode (LED) light sources, and installing updated Accessable Pedestrian Systems (APS) push buttons.

During the preliminary design stage of the project, the signal pole at the northwest corner of the intersection was damaged in an accident and needed to be replaced. This pole was being designed to be removed and upgraded as part of the signal modification project. Since the repair needed to be implemented immediately in order to provide the minimum number of signal head indications required by State standards, this signal pole was upgraded in advance of the project construction. The upgrade included installation of a larger pole with a mast-arm to accommodate the left turn signal indication and removal of the signal pole in the median. The cost of this advance upgrade (\$15,124) was charged to the project funds (PWC8593).

During the final design stage of this project, the City's Annual Pavement Overlay Project, which included Mowry Avenue between Paseo Padre Parkway and Parkside Drive, was scheduled for construction. To avoid trenching through this new pavement for the installation of the signal conduits, the conduits were installed as part of the pavement overlay project. In addition, during the design process, the scope of this Traffic Signal Modification Project was expanded to include the installation of a closed circuit television (CCTV) camera to connect to the City's traffic signal interconnect system using the new fiber optic line to be installed along Mowry Avenue. Additional staff time was required to prepare the conduit installation drawings for the overlay project and the additional CCTV design.

Discussion: The project was advertised and bids were opened on February 4, 2009. The 11 bidders with their respective bid amounts are as follows:

Bidder	Base Bid Amount (1)	Alternate Bid Amount (2)	Total Bid Amount
Wingard Engineering, Inc	\$108,782.00	\$4,850.00	\$113,632.00
Brown and Fesler	\$109,474.55	\$5,000.00	\$114,474.55
Tim Paxins Pacific Excavation	\$121,375.00	\$5,500.00	\$126,875.00
Terno	\$122,200.00	\$5,850.00	\$128,050.00
Beltramo Electric	\$122,630.00	\$5,000.00	\$127,630.00
Richard Heaps Electrical Contractor	\$123,000.00	\$6,725.00	\$129,725.00
W. Bradley Electric	\$124,954.25	\$5,000.00	\$129,954.25
Republic ITS	\$128,264.90	\$7,000.00	\$135,264.90
Tennyson Electric	\$164,303.50	\$6,200.00	\$170,503.50
Steiny and Company	\$206,461.00	\$10,000.00	\$216,461.00
Angelo Utilities	\$231,208.00	\$4,485.00	\$235,693.00
<i>Engineer's Base Bid Estimate</i>	<i>\$130,000</i>		

- (1) The base bid is for the modification of the existing traffic signal
- (2) The alternate bid is to furnish and install a closed circuit television camera

The low bidder is determined by the base bid. The low bidder, Wingard Engineering Inc., is a responsible bidder, its bid is responsive, and all bid documents are in order. Based on the bids, there are sufficient funds to include the alternate bid with the base bid. Therefore, staff recommends that the construction contract, including the alternate bid item, be awarded to Wingard Engineering Inc.

Project Cost and Funding: The following is a summary of the estimated total project cost:

Preliminary Design	\$	1,100
Design	\$	38,452
Design Administration	\$	10,655
Printing and Advertising	\$	1,211
Traffic Signal Pole Upgrade	\$	15,124
Surveying	\$	4,358
Construction Contract (including \$10,000 construction contingency)	\$	113,632
Republic ITS: Turn-on Assistance (Estimate)	\$	2,000
Construction Administration & Inspection (Estimate)	\$	38,000
Total Project Cost	\$	224,532

Project funding to date is as follows:

Fund 131 – State Gas Tax 2107	\$	14,000
Fund 502 – Outside Sources (developer contributions)	\$	80,000
Fund 531 – Traffic Impact Fee	\$	146,000
TOTAL	\$	240,000

There are sufficient funds available for the project.

Environmental Analysis: This project is categorically exempt under Section 15301(c) of the Guidelines for California Environmental Quality Act as a minor alteration of an existing facility.

ENCLOSURE: Location Map

RECOMMENDATION: Approve the plans and specifications, accept the bid and award the construction contract for the Traffic Signal Modification at Mowry Avenue and Civic Center Drive (City Project No. 8593 PWC) to Wingard Engineering Inc., in the amount of \$113,632, and authorize the City Manager or his designee to execute the contract.

***2.8 FIRE TACTICAL TRAINING CENTER (PLN2008-00263) WESTERLY END OF STEVENSON BOULEVARD**

Public Hearing (Published Notice) to Consider a Finding to Increase the Height for a Portion of the Training Tower from the Allowed 45 Feet to Approximately 61 Feet for the Proposed City of Fremont Fire Department Tactical Training Center Generally Located Near the Intersection of Stevenson Boulevard and Eureka Drive in the Industrial Planning Area

Contact Person:

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Dept.:	Community Development	Community Development
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Executive Summary: The City of Fremont proposes to construct a new Fire Tactical Training Center in the Industrial planning area at the westerly end of Stevenson Boulevard (APN 531-0165-034-03). The applicant is requesting approval of a Finding to increase the height of the training tower building from the allowed 45 feet to approximately 61 feet. To meet rescue training certification, the deck of the top floor must be at or above a height of 50 feet; the proposed design provides a shade structure at the roof level. The training facility will consist of a one story classroom building (approximately 3,800 sq. ft.) and a five story training tower building (5,300 sq. ft.) on a two acre site. The training facility classroom will be used for in-service training programs related to field operations. The grounds at the site will be used for tactical maneuvers such as fire response, search and rescue, technical rescue, hazardous materials mitigation, etc. Staff is recommending approval of the finding for an increase in height of the training tower to approximately 61 feet.

BACKGROUND: In November 2002, a Fire Safety Bond measure was approved by 74% of the voters of Fremont. The \$51 million Fire Safety Bond is funding land acquisition and construction of three new fire stations, seismic retrofit of the remaining stations, and the construction of a public safety training center. The proposed project is the Fire Tactical Training Center, a component of the public safety training center.

Project Description: The training facility will consist of a one story classroom building (approximately 3,800 sq. ft.) and a five story training tower building (5,300 sq. ft.) on a two acre site. The training facility classroom will be used for in-service training programs related to field operations. The grounds at the site will be used for tactical maneuvers such as fire response, search and rescue, technical rescue, hazardous materials mitigation, etc. The classroom building will also be used for classes for residents such as the Community Emergency Response Training (CERT), recruit academies, and occasional training with other agencies. The office hours will be from 8:00 a.m. to 5:00 p.m. Monday through Friday, however, night drills are conducted regularly during one month each calendar year. Occasional other night training drills may also occur.

The architectural design incorporates a variety of colors and materials similar to Fire Station #11 which is also located in the Industrial planning area. The exterior of the classroom building includes stucco in brown and tan shades and dark red metal siding. The training tower is a similar color scheme with the addition of concrete masonry as an exterior surface. The training tower is not a typical building in that it is a “prop” for training. The various roof forms recreate different types of construction typical of residential, commercial, and industrial buildings. The project design also incorporates many green building design features as described in the enclosed Green Building Fact Sheet (see Informational Enclosure 3). The project includes site landscaping, a secured rear work yard and training area, approximately ten public parking spaces at the front of the building, and twenty-six parking spaces for the staff in the secured area to the rear.

The project site is located on Stevenson Boulevard near the intersection of Eureka Drive and is vacant of any buildings or structures. The site is a generally flat parcel located along a public street frontage that will be improved with this project. The remainder of the site has no notable vegetation and is managed throughout the year through discing. The area to the north and east is modern industrial park with buildings ranging from one to three stories. The uses are a mixture of R&D, office, and other general industrial uses. To the west and south of the parcel is undeveloped land zoned Planned District with a General Plan designation of Institutional Open Space that is maintained as wetland mitigation land.

Project analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Public Facility. The proposed project is consistent with the existing General Plan land use designation for the project site because the proposed land use is a public facility on property designated as public facility. The facility would provide training for fire personnel to improve emergency response.

The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Fundamental Goals of the General Plan:

Goal F-10: PUBLIC SERVICES RESPONSIBLY MANAGED AND EQUITABLY DISTRIBUTED THROUGHOUT THE CITY.

Public services must continue to be equitably distributed throughout the city. To the maximum degree feasible, all areas should be equally served by parks, fire stations, libraries, and other public facilities and services.

Analysis: The proposed fire training facility improves emergency response services throughout the City of Fremont.

Health and Safety Goals and Policies:

Policy HS 4.1.1: Provide an adequate level of fire equipment and personnel to protect the community.

Implementation 1: Continue to implement plan for improving fire service through expansion to 11 stations, movement of stations and other improvements.

Policy HS 4.1.4: Promote fire safety and fire prevention in the community.

Health and Safety (HS) Goal 5 A 5 minute 30 second response time for emergencies in areas below the toe of the hill.

Policy HS 5.1.3: Continue to provide necessary training and equipment to improve emergency response.

Implementation 2: Periodically review training facilities to evaluate the need for expansion of existing facilities and the construction of new facilities.

Analysis: The proposed Tactical Training Center will provide the necessary facilities and equipment to improve the skills and response time of safety personnel to provide fire suppression and rescue services. The classroom building will also be used for classes for residents such as the Community Emergency Response Training (CERT).

Zoning Regulations: As set forth in Section 8-2821 of the Fremont Municipal Code (FMC), publicly owned facilities are allowed in the P-F, Public Facilities District. The proposed facility is in conformance with the zoning district standards with the exception of the maximum height limit of 45 feet. The proposed tower is approximately 61 feet in height. As provided in *Section 8-22132.5* of the Zoning Ordinance, increases in height of buildings may be granted at the City's discretion if a project meets one or more of the following criteria:

- (1) The building height increase will not be detrimental to the area streets, sewer lines and/or other public services or to the lighting, air quality or privacy of any other properties in the vicinity of the structure.
- (2) An enforceable guarantee approved by the City Attorney insuring the increased height will not be used to create a more intensive use than the uses specified by the approved finding.
- (3) In addition, one or more of the following findings shall be considered:
 - a. The proposed project would provide extraordinary benefits to the City;
 - b. Because of unique circumstances impacting the project site, an increased building height is needed (i.e., to permit a higher building in order to locate the building further away from single-family residences);
 - c. The increased building height would allow the project to be designed in such a manner which would mitigate its impacts on surrounding property more effectively than the height specified under the district regulations (e.g., designs which reduce its shadowing impacts); and/or
 - d. In order to accommodate a use, unique building requirements have been imposed (e.g., air pollution control facilities) which require an increase in the building height over the height specified under district regulations.

The Training Tower height is designed to meet employee certification needs for basic firefighter and technical rescue training. Basic firefighter training includes using ladders and operating above ground in various firefighting and rescue techniques. Ladder use includes multiple story ground ladders and the mechanical aerial ladder truck. Technical rescue training includes advanced rescue techniques performed above ground and on building sides, as well as rappelling to the ground from a minimum height of 50 feet. To meet rescue training certification, the deck of the top floor must be at or above the 50 foot height; the proposed design provides a shade structure above that. There will be instructors and a number of recruits on the roof deck at one time during technical rescue and rappel training. The shade structure provides a more protected and comfortable work environment during the training time. The shade structure additionally creates a “high anchor” point for ropes during rappelling exercises.

The following findings apply to the proposed project:

- a) The increase in height will not be detrimental to the area streets, sewer lines and/ or other public services or to the lighting, air quality, or privacy of any other properties in the vicinity of the project site because existing infrastructure and facilities adjacent to the project site would adequately serve the proposed project. The proposed project would not measurably impact traffic operations in the area and street improvements to the Stevenson Boulevard frontage are required and will conform to City ordinances as standard requirements of building permit issuance. Both buildings planned on the site meet or exceed the minimum setback requirements of the P-F Public Facility District. The tall tower element is over two hundred feet from the nearest building in the area.
- b) In order to accommodate a use, unique building requirements have been imposed which require an increase in the building height over the height specified under district regulations. Technical rescue training includes advanced rescue techniques performed above ground and on building sides, as well as rappelling to the ground from a minimum height of 50 feet. To meet rescue training certification, the deck on the top floor must be at or above the 50 foot height; the proposed design includes a shade structure above that height for a total height of 61 feet. The shade structure provides a more protected and comfortable work environment during training.

Environmental Review: An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts in the topics of biological resources and geology/soils. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures have been included in the Mitigation Monitoring Program (Exhibit “A”). A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure (see Informational Enclosure 2 - Initial Study).

Mitigation measures: The site will be rechecked for burrowing owls thirty days prior to grading or site preparation work. The construction drawings will incorporate recommended engineering measures to address potential liquefaction hazards and potentially expansive soils. In addition, a Mitigation Monitoring Program is recommended for adoption in order to ensure implementation of mitigation measures.

ENCLOSURES:

- Exhibit “A” Mitigated Negative Declaration and Mitigation Monitoring Plan
- Exhibit “B” Site Plan, Floor Plans, and Elevations
- Informational Enclosure 1 - Project Information
- Informational Enclosure 2 - Initial Study
- Informational Enclosure 3 - Green Building Fact Sheet

RECOMMENDATIONS:

1. Hold public hearing.
2. Find that the Mitigated Negative Declaration and Mitigation Monitoring Plan (Exhibit “A”) prepared for this project has been completed in compliance with the requirements of CEQA and reflects the independent judgment of the City, and that approval of this project, as mitigated, will not have any significant impact on the area’s resources, cumulative or otherwise, and adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan.
3. Find the proposed project is in conformance with the relevant provisions of the City’s General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan’s Health and Safety Chapter as enumerated within the staff report.
4. Adopt a motion approving PLN2008-00263 for an increase in height to approximately 61 feet for the Fire Tactical Training Center as shown on Exhibit “A”, based on the following findings:
 - a. The increase in height will not be detrimental to the area streets, sewer lines and/ or other public services or to the lighting, air quality, or privacy of any other properties in the vicinity of the project site because existing infrastructure and facilities adjacent to the project site would adequately serve the proposed project. The proposed project would not measurably impact traffic operations in the area and street improvements to the Stevenson Boulevard frontage are required and will conform to City ordinances as standard requirements of building permit issuance. Both buildings are located on the site to meet or exceed the minimum setback requirements of the P-F Public Facility District and the tall tower element is over two hundred feet from the nearest building in the vicinity of the project.
 - b. In order to accommodate a use, unique building requirements have been imposed which require an increase in the building height over the height specified under district regulations. Technical rescue training includes advanced rescue techniques performed above ground and on building sides, as well as rappelling to the ground from a minimum height of 50 feet. To meet rescue training certification, the deck of the top floor must be at or above the 50 foot height; the proposed design includes a shade structure above that height for a total height of 61 feet. The shade structure provides a more protected and comfortable work environment during training.

6.1 Report Out from Closed Session of Any Final Action

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD.....	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA.....	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD.....	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC.....	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT.....	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW.....	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS.....	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF.....	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
March 3, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 10, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 17, 2009		Cancelled		
March 24, 2009	6:00 p.m. 7:00 p.m.	Special Work Session; City Council Meeting	Council Chambers	Live
March 31, 2009 (5 th Tuesday)		No Meeting		
April 7, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 14, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 21, 2009	TBD	Work Session	Council Chambers	Live
April 28, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 4, 2009 (Monday)	4:00 p.m.	Joint City Council/FUSD Mtg.	Council Chambers	Live
May 5, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 12, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 19, 2009	TBD	Work Session	Council Chambers	Live
May 26, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 2, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 9, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 16, 2009	TBD	Work Session	Council Chambers	Live
June 23, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 30, 2009 (5 th Tuesday)		No Meeting		